IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 21246 of 2006(D)

OS.244/2004 of ADDL.MUNSIFF COURT,NEDUMANGAD

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PETITIONER:

IBRAHIM KUNJU ABDUL RASHEED,
MANKOTTUKONAM KADAYIL VEEDU, THOLICODE,
CHITTUVEETTU MURI, THOLICODE VILLAGE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. SALILATH BEEVI, SLAILA BEEGAM,
REGILA MANZIL, THENGUVILA, THOLICODE,
CHITTUVEETTU MURI, THOLICODE VILLAGE.

2. AMIN PILLA MOHAMMED SALIH,
REGILA MANZIL, THENGUVILA,
THOLICODE, CHITTUVEETTU MURI,
THOLICODE VILLAGE.

BY ADV. SRI.L.MOHANAN
SRI.M.V.KIRAN MOHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE PLAINT IN OS NO.244 OF 2004.

EXT.P2 : TRUE OCPY OF THE ORDER IN IA NO.303/06 IN OS NO.244/04 DT.31.5.06.

EXT.P3 : TRUE COPY OF THE COST MEMO FILED BY THE COUNSEL FOR THE PETITIONER IN OS NO.244/04 DT.05.06.06.

EXT.P4 : TRUE COPY OF THE ORDER IN IA NO.303/06 IN OS NO.244/04 DT.15.06.06.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 21246 OF 2006

Dated this the 28th day of June, 2007

JUDGMENT

Heard both sides. Having regard to the rival submissions, I am of the view that there is justification for setting aside Ext.P2 to the extent it insists that the petitioner must get ready for day to day trial and in setting aside Ext.P4. Setting aside Ext.P2 to the extent indicated above and setting aside Ext.P4, I allow IA NO.303 of 2006, the restoration application, on condition that the petitioner pays a total amount of Rs.1,500/- by way of cost. Out of the above amount, a sum of Rs.1,000/- will be payable to the contesting respondents either directly or through their counsel in this Court within three weeks from today. Rs.500/- will be payable to the High Court Legal Services Committee within the aforesaid time limit. Once payments are made, the suit will stand restored and thereupon the court below will special list the suit in the earliest available special list, try and dispose of the suit in the same way it disposes of all other special listed matters.

PIUS C. KURIAKOSE, JUDGE

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